

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN KEYS, :
Petitioner, :
: :
v. : : CIVIL ACTION NO. 12-CV-2618
: :
THE ATTORNEY GENERAL OF THE :
STATE OF PENNSYLVANIA, *et al.*, :
Respondents. :
ORDER

AND NOW, this 28th day of December 2022, upon consideration of Petitioner John Keys' Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) [ECF No. 43], it is hereby

ORDERED that:

1. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Petitioner's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See 28 U.S.C. § 2244(b)(3)(A).*
2. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFE, J.